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Serial No. 10/801,066

Amend. In Resp. to Off. Act. of July 6, 2006

UTILITY PATENT

B&amp;D No. JK01257

REMARKS

Applicants have amended Claims 1 and 22. Currently pending in the application therefore are Claims 1-23.

The Examiner objected to Claim 1 for incongruent titling. In response, Applicants have amended Claim 1 to call for a “riving knife assembly in combination with a saw assembly,” as suggested by the Examiner.

The Examiner rejected Claims 1 and 22 under 35 USC § 103(a) as being unpatentable over US Patent No. 6,840,144 (“Huang”) in view of US Patent No. 2,163,320 (“Hammond”). Reconsideration and withdrawal of this rejection is respectfully requested.

As admitted by the Examiner, slots 82 of Huang are angled at 90 degrees to the table top. The Examiner relies on Hammond to argue that, when the saw assembly is beveled, the slots would not be perpendicular to the table top.

By contradistinction, Claims 1 and 22 require that the first and second slots be “substantially non-perpendicular to the work surface when the saw blade is substantially perpendicular to the work surface.” Since the slots of the Huang/Hammond combination would not be substantially non-perpendicular when the saw blade is substantially perpendicular to the table top, the Huang/Hammond combination lacks all the claimed elements. Therefore, the combination cannot render unpatentable Claims 1 and 22, and their corresponding dependent claims.

The Examiner also rejected Claims 1 and 22 under 35 USC § 103(a) as being unpatentable over Huang in view of US Patent No. 713,196 (“Bennett”). Reconsideration and withdrawal of this rejection is respectfully requested.

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As admitted by the Examiner, slots 82 of Huang are angled at 90 degrees to the table top.

The Examiner relies on Bennet to show an inclined slot that would not be perpendicular to the table top.

By contradistinction, Claims 1 and 22 require that the first and second slots be "disposed on and extending from the second side edge and inclined relative to and being substantially non-perpendicular to the work surface." Since the slots of the Huang/Bennett combination extend from the end of the riving knife, rather than from a side edge, the Huang/Bennett combination lacks all the claimed elements. Therefore, the combination cannot render unpatentable Claims 1 and 22, and their corresponding dependent claims.

The claims are patentable and the application is believed to be in condition for formal allowance. Allowance of Claims 1-23 is respectfully requested.

No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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